

State of Wisconsin - Department of Natural Resources
Substance Release Notification Report (SERTS)
 Report created on 01/26/2015

Incident Date & Time: 11/26/2014 10:30	Reported Date & Time: 11/26/2014 11:37	BRRTS No: 04-31-563199	Spill ID: 20141126NE31-1
DATCP Reported? No DATCP Transferred? No	NFA Letter Sent? No	ERP Transferred? No	Incident Closed? Yes : 01/22/2015

Location			
Region: NE	County: Kewaunee	Municipality: FRANKLIN, TOWNSHIP OF	
Facility/Property Name and Street Address: DEER RUN DAIRY N1225 SLEEPY HOLLOW ROAD		Description: SW OF MANURE LAGOON, ADJ TO DIGESTER ROOM	
Facility Type: Farmstead/Farm Field/Open Rural Upland			
Lat/Long:	PLSS:	WTM: X 705739 Y 435611	
Weather Conditions: Cold			

Responsible Parties			
Name/Address (1): DEER RUN DAIRY N1225 SLEEPY HOLLOW ROAD KEWAUNEE, WI 54216-	Contact: DALE BOGART OWNER (920) 374-0894 x primary	Other Contact:	Spill Packet: Sent on 11/26/2014 to DBOGART@BAYCOMWI.C via email

Cause
TANK OVERFLOW IN MANURE SEPARATOR DIGESTER ROOM
Cause Type: Manure Release (pit, line break, transportation, field application)

Substances						
Name	Other / Comments	Amt Released	Amt Recovered	Type	Color	Odor
Manure		EST 1100.0 Gal	EST 1100.0 Gal	LIQUID		

Environmental Impacts / Damages			
Environmental Impacts: CONCRETE SOIL	Resource Damages: No	Injuries: No	Evacuation: No

Cleanup Actions	
Method	Description
Absorbent (oil dry, sand, sawdust)	MANURE SOLIDS
Excavation	

Cleanup Action Comments

Contractors Hired	
Name	Description
OTHER	IN HOUSE

Waste Destinations

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Location		Description		
ON SITE MANURE PIT				
Agencies Notified / On Scene				
Agency	Notified	On Scene		
DNR	X			
Additional Comments				
1/9/15 REPORT RECEIVED				
Enforcement Action/Citation				
Enforcement Action/Citation? No				
Case Activity Reports:				
Person Reporting				
Name	Representing / Address	Primary Phone	Secondary Phone	
DALE BOGART	DEER RUN DAIRY	(920) 374-0894 x		
Contractors Hired				
Name / Address			Zone Contractor Hired by DNR?	
			No	
Contacts				
Role	Name	Office Phone	Date	Time
Prepared By:	KEVIN BARMAN	(608) 267-0844 x	11/26/2014	
Person Notified:	TAUREN BEGGS	(920) 360-4291 x	11/26/2014	
Investigated By:	TAUREN BEGGS	(920) 360-4291 x	11/26/2014	
Incident Commander:				
Spill Coordinator:	BETH ERDMAN, NE Region	(920) 303-5410 x	01/22/2015	
Electronic Attachments (list)				
Name		Type		

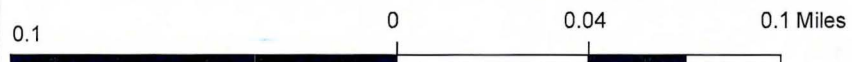


Deer Run Dairy



Legend

- Open Site (ongoing cleanup)
- Closed Site (completed cleanup)
- Cities
- Villages



NAD_1983_HARN_Wisconsin_TM

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Note: Not all sites are mapped.

Notes

Spill Location: Red Dot

WTM: 705739, 435611

Duane Ducat 920-493-0457
Dale Bogart 920-374-0894
Deer Run Dairy LLC
N1225 Sleepy Hollow Rd
Kewaunee, WI 54216
December 10, 2014

Department of Natural Resources
625 E. CTY Y Suite 700
Oshkosh, WI 54901

On November 26, 2014 at approximately 8:30 am a discharge of manure was released from the digester separator building at Deer Run Dairy LLC. The separator supply tank overflow line blocked allowing the digester effluent feed pump to overflow the supply tank in the separator building. Power to the pump was immediately secured. Separated manure solids were used to create dams to contain the flow and then to cover the contained liquid to reabsorb it. When this was completed the solids were scraped into a pile and hauled to our manure lagoons.

This release was estimated at 800-1100 gallons and was completely contained. At the time of this release the driveway and surrounding area were frozen so there was no penetration of the manure into the surface. Attached are photos to document the event. The photos show the manure solids covering the area plus the established perimeter. The last photo was taken a week later. This was handled swiftly and there was no environmental impact.

Although this release was the result of a system failure it was recognized that human error contributed to the event. At the time of discovery the worker made an error in judgment allowing the liquid to run out of the building instead of containing it within the room. The employees were required to attend additional training ensuring they understand the implications of a manure spill regardless of the amount and what their response should be.

Sincerely,

Duane P Ducat
Dale Bogart

Duane Ducat 920-493-0457
Dale Bogart 920-374-0894
Deer Run Dairy LLC



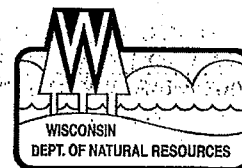












November 26, 2014

Attn: Dale Bogart, Deer Run Dairy

Spill Reference: 20141126NE31-1

Date of Spill: November 26, 2014

Dear Mr. Bogart:

The Wisconsin Department of Natural Resources ("Department") was notified that a hazardous substance spill occurred on the date and location referenced above. You have received this correspondence because based on the available information the Department believes you are responsible for addressing the hazardous substance spill under Section 292.11 Wisconsin Statutes. Wisconsin Statute 292.11(3) states:

"A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

Note, s.292.01(5)Wis.Stats., "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form, which may cause or significantly, contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quality, concentration, physical, chemical or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department.

Further, s.292.11(3)Wis. Stats., "Discharge" means, but is not limited to spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

This letter describes the legal responsibilities of a person who is responsible under Section 292.11 Wisconsin Statutes, the spill law, and explains what you need to do clean up the spilled material and "minimize the harmful effects" of any remaining contamination. A description of general spill response procedures and lists of treatment and disposal facilities are attached. You have 45 days from the time the spill was reported to complete this task and send us documentation and proof of what you did to comply.

See NR 708 Wisconsin Admin. Code: <http://www.legis.state.wi.us/rsb/code/nr/nr708.pdf> for detailed response requirements. More information on the Spill Program and Spill Response is available at the Department internet site: <http://www.dnr.wi.gov/org/aw/rr/spills/index.htm>.

The Department recommends you obtain the services of an environmental contractor and/or consultant who can properly manage this clean-up and knows how to help you to comply with the law. A list of environmental consultants and spill contractors that respond to spills is attached to this letter. A more complete list is available at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR024.pdf>. Environmental consultants and contractors can also be located through the internet and local phone directory.

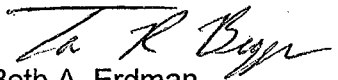
Based on the information available about the spill and the actions taken by you to clean up the spill, the Department will determine if further investigation or cleanup is necessary. Do not wait for Department approval to take appropriate action, but do contact us if you have questions or need other assistance.

if you want a formal written response from us for a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code.

It is important that you keep the Department informed of your actions to clean up this spill. We prefer to work cooperatively with people to work through these events and get these projects done. Please know that failure to provide documentation of your actions is a violation of Wisconsin Administrative Code requirements and may result in enforcement actions against you. Please send all correspondence to me at the address on the above letter head.

The Department appreciates your quick action to initial actions to address this situation. If you have any questions regarding this notification or Wisconsin's requirements for spill cleanup, please contact me at (920) 303-5410 or e-mail at Beth.Erdman@Wisconsin.gov.

Sincerely,

 on behalf of Beth Erdman
Beth A. Erdman
NER Spills Coordinator
Wisconsin Department of Natural Resources